

Historic, Archive Document

Do not assume content reflects current
scientific knowledge, policies, or practices.



QTS 1975
A1154

ISSUANCES

of the

Meat and Poultry Inspection Program

July 1977



**F
S
Q
S**

CONTENTS

MPI Bulletins
77-96, Jar Closure
Requirements

Changes
77-7, Meat and Poultry
Inspection Manual

77-7, Meat and Poultry
Inspection Regulations

**UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Quality Service
Meat and Poultry Inspection Program
Washington, D.C. 20250**



UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

Meat and Poultry Inspection Manual

July 1977

CHANGE: 77-7

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
1 and 2	1, 2, and 2a	77-7
97 and 98	97 and 98	77-7
101 and 102	101, 101a, and 102	77-7
105 and 106	105 and 106	77-7
116 thru 118	116 thru 118a	77-7
119 thru 121a	119 thru 121a	77-7
130c and 130d	130c and 130d	77-7
132a	132a	77-7

Pen-and-Ink Changes

Page 211, delete MP Form 403-4, Method of Slaughter Report

Page 2611, section 22.64, second paragraph, cross off "No desensitizing technique used in the slaughtering procedure."

Bulletins Deleted

Changes on pages 2 and 118 delete MPI Bulletin 75-45.

Changes on pages 101 and 101a delete MPI Bulletins 75-23 and 75-43.

Changes on page 106 delete MPI Bulletin 76-103.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Quality Service
Meat and Poultry Inspection Program
Washington, DC 20250

MPI BULLETIN 77-96
7/15/77

ACTION BY: Inspectors in Charge, Food and Import Inspectors, and
Plant Management of Canning Operations

INFORMATION FOR: Regional Directors, Area and Circuit Supervisory
Personnel, and Interested Parties

Jar Closure Requirements

On December 10, 1977, the Jar Closure regulations will become effective. After that date, vacuum packed jars sealed with quick-twist, screw-on or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or, alternatively, the space is to be sealed in a manner that will make it inaccessible to filth and insects. Additional details further explaining these regulations were issued in MPI Bulletin 75-129 dated September 2, 1975.

This bulletin is to remind affected firms that the effective date is approximately 6 months away, and to request that necessary steps be taken to assure compliance.



Donald L. Houston
Acting Deputy Administrator

DISTRIBUTION: A-O, P, Q, S, T, U, U-2 (Issuances)	CATEGORY: F-Marking, Labeling	REGS: 317.9, 381.143 MANUAL: Part 18	OPI: PLPS
--	----------------------------------	--	-----------

Meat and Poultry Inspection Manual

PART 1

DEFINITIONS

DEFINITIONS

Subpart 1-A

(Regs: M-301; P-Subpart A)

1.1 LIVESTOCK

(a) Cattle

All bovine animals are included under the general heading "cattle."

(b) Low-Volume Plant

A plant slaughtering 1 to 15 animals in a workday.

(c) Downers

Animals unable to stand or showing abnormal locomotion.

(d) Slight

As applied to certain liver abnormalities (MR-311.31)--telangiectasis, sawdust, etc.--means lesions are small and few.

(e) Tuberculosis - Terms

A general guide to terms used for tuberculosis lesions is:

(1) Lymph node

Slight--normal-sized with more normal than diseased tissue.

Well marked--enlarged or if normal-sized has more diseased than normal tissue.

Extensive--greatly enlarged, or nearly all tissue affected.

(2) Other tissue

Extensive--more than half of the organ or tissue surface is affected (pleura or peritoneum included).

Multiple--lesions in more than one organ.

Acute, progressive--congested lesions surrounding tissue with edematous associated lymph nodes, or several small lesions around an older caseous focus.

1.2 POULTRY

Game Birds

Pigeons, pheasants, quail and migratory water fowl are excluded from the poultry definition stated in the regulations (PR-Subpart A).

1.3 LIVESTOCK - POULTRY

Direct Supervision

Applies to product under visual surveillance.

PART 3

EXEMPTIONS

EXEMPTIONS

Subpart 3-A

(Regs: M-303; P-Subpart C)

It is not amenable to the Federal *
Meat Inspection Act, but may be *
slaughtered under the reimburseable *
inspection program (Part 350 of the *
regulations). *

3.1 GAME ANIMALS

(a) Buffalo, Reindeer, Elk

Area supervisors may permit slaughter of game animals--buffalo, reindeer and elk--provided adequate facilities are available and their handling does not create a health hazard.

Meat from such animals (including deer) is not inspected for wholesomeness, and cannot be used as an ingredient in meat food products. However, custom products--consisting of game meat mixed with pork, beef, or lamb meat--may be prepared for owners of game animals. Such products shall not be inspected and shall not be sold.

(b) Pigeons, Pheasants, Quail, Migratory Water Fowl

They may be slaughtered and processed at official plants, provided their handling does not interfere with inspection requirements, and products are kept adequately segregated. Labels of product not amenable to PPIA shall not bear the inspection mark unless the plant operates under voluntary inspection program.

3.3 BEEFALO

This is a hybrid animal resulting *
from bovine/bison cross of 3/8 bison, *
3/8 Charolais, and 1/4 Hereford which *
has the appearance of domestic cattle.*
It must be handled as cattle from *
the inspection viewpoint and its *
meat must be labeled "beef" (see *
section 17.13(n)). *

3.4 CUSTOM PRODUCT

(a) Identification; Separation

Field dressed game carcasses may be custom processed by official establishments in rooms where edible products are handled, provided they are kept separate and identified, and their handling does not hinder inspection.

(b) Adulteration; Misbranding

Custom prepared meat or poultry product is subject to the adulteration and misbranding provisions of FMIA and PPIA. When at an official plant the inspector finds such product adulterated or misbranded, he will (1) retain it, (2) notify plant management and, when warranted, product's owner, and (3) explain options available to bring product into compliance. When there is good reason to believe that retained product cannot be controlled or it is shipped from the plant, the Compliance Staff shall be notified (see MPI Directive 915.3).

*3.2 CATALO OR CATTALO

* This is a hybrid animal with bison
*appearance resulting from direct
*crossbreeding of bison and cattle.

3.5 RETAIL EXEMPTION AT OFFICIAL PLANT

Preparation of meat or meat products and slaughter and/or preparation of poultry and poultry products, for exclusive retail sale, may be exempt from inspection provided they:

1. Are conducted in separate facilities or rooms, or at a different time from operations requiring inspection. When conducted at a different time, a work schedule, signed by the owner or operator and outlining all retail activities and hours of operation, must be on file and available to MPI personnel.

2. Do not result in a nuisance or an insanitary condition to area(s) where operations require inspection, and all products prepared for retail sale are kept separate from inspected products.

The reverse of this page is intended to be blank

BIOLOGICAL RESIDUES

Subpart 11-E

(Regs: M-301, 309, 311, 318;
P-Subpart A, J, K)

Under FO direction, tissues from livestock and poultry carcasses are monitored for possible adulteration with biological residues. Such monitoring includes any substance or metabolite, from animal treatment or exposure, present in carcasses, parts, or organs.

11.18 MONITORING PROGRAM

This program consists of an "objective" and a "selective" phase.

(a) Objective Phase

This phase is designed to randomly select and analyze tissues for possible residues from livestock or poultry carcasses passed for food. It provides information on incidence, trends, compliance, and control.

Sampling. FO will provide instructions for each sampling plan and, based upon statistical studies, will determine number of samples, tissue type, and sampling time.

The inspector shall collect tissue samples from randomly selected carcasses of animals (livestock and poultry). Day and time of sampling must vary to avoid routine sampling patterns.

Each tissue must be placed in a separate plastic bag to prevent transfer of residue from tissue to tissue.

One laboratory form (MP 23) shall be completed for samples from each carcass. Such form shall include owner's or grower's name and address; tissues submitted, analytical test requested, and animal species or poultry class.

Samples must be shipped to arrive

at the laboratory in good condition. Shipping over weekends should be avoided.

(b) Selective Phase

In this phase tissue samples are analyzed for specific residues when residue problems exist in certain areas. The selective phase is in conjunction with regulatory control action designed by FO to eliminate residues in edible tissues.

Inspector's responsibility. When ante-mortem signs indicate poisoning or conditions possibly resulting in unacceptable residues in tissues, the inspector shall: (1) hold the animals (livestock or poultry) and notify his supervisor immediately; (2) record and evaluate all signs; (3) obtain complete history on the chemical or drug used; and (4) follow instructions from RD through area supervisor on sampling and dispositions.

When post-mortem signs indicate poisoning, injection lesions, or abnormalities possibly resulting in unacceptable residues, the inspector shall: (1) retain carcass and edible parts and, if a great number of carcasses is involved, notify his supervisor immediately; (2) complete required laboratory form, including name and address of owner or grower, treatment history, tissues submitted, test requested, animal species or poultry class, retain tag number, requested tests from other laboratory, etc.; (3) collect the following tissues when injection lesions are detected in poultry: (a) affected part when lesion is in an extremity (neck, wing, or leg); (b) breast with back part, when lesion is in body (back or breast); (c) normal muscle (unaffected wing or leg, breast, liver, kidney); (4) place each tissue in separate plastic bag; and (5) freeze, pack, then ship frozen with dry ice to laboratory.

11.19 CHEMICAL POISONING

- * Presence of enlarged livers, nephritis, organ congestion, or similar
- * signs of a toxic condition in lot of
- * animals presented for slaughter should
- * alert inspectors to a possible residue
- * problem.

Charts 11.4 and 11.5 show signs of potential chemical poisonings and residues in livestock and poultry.

11.20 CHEMICAL RESIDUES

(a) Insecticides

(1) Chlorinated hydrocarbons. These compounds accumulate and are stored in animals' fat, and act as stimulants or depressants of central nervous system. They include aldrin, benzene hexachloride, chlordane, dieldrin, endrin, heptachlor, lindane, methoxychlor, and toxaphene.

(2) Organo-phosphates. They inhibit acetylcholinesterase and other cholinesterases. Their biological action results from acetylcholine accumulation at nerve endings, causing first stimulation and then paralysis of all nerve synapses and motor endings, except termination of sympathetic fibers.

The organo-phosphates include parathion, methylparathion, rommel, malathion, ethion, dioxathion (Delnav^R), mevinphos (Phosdrin^R), and naled (Dibron^R).

An analytical method is available to identify entire group of organo-phosphates; however, the inspector should designate one of them, if possible, to help the laboratory in making a chemical determination on tissues submitted.

(3) Carbamates. Many carbamic esters have pesticidal action. Like the organo-phosphates they inhibit cholinesterase. Most common carbamates are carbaryl (Sevin^R) and pyrolan (Pyrolan^R).

(b) Fungicides

These compounds are widely used for treating seed grains. Treated grains, used for feeding animals raised for food (livestock or poultry), cannot be diverted without approval.

Since residue tolerance is not established in meat or edible organs from livestock or poultry fed treated seed grains, such practice is considered unsafe.

An established screening method is not available; thus, the inspector should designate the fungicide to be analyzed.

Some commonly used fungicides are: captan, thiram, ceresan M^R, and zineb.

(c) Herbicides

They include: ammate, borax, dinitro-compounds, chlorobenzoic acids, arsenicals, sodium chlorate, phenols, and hormone types. Herbicides and other chemicals are widely used to control undesirable plants.

(d) Metals

(1) Arsenic. It is used as a component of pesticides, herbicides, and in combination with sodium, copper, and lead. It remains in the soil for long periods.

Arsenicals may be safely used in feed for poultry raised for food production when used according to established dosages and withdrawal periods.

(2) Lead. Metallic lead and its alloys and salts frequently produce poisoning in cattle. Most animals are susceptible, but swine and goats appear rather resistant. Sources of lead are paints, pesticides, wet cell batteries, industrial contamination, etc.

(3) Mercury. This is a cumulative poison and is found in fungicides, antiseptics, and corrosives (mercuric chloride).

(4) **Selenium.** Intoxication (Alkali Disease) results from insecticides or seleniferous soil, water, or plants (Rocky Mountain and Great Plains areas).

(5) **Analytical method.** A method to identify each metallic element is not available. Therefore, the inspector should indicate signs and elements suspected.

(e) Antibiotics; Drugs

Antibiotics are used in feed of young animals to promote growth. Antibiotics or drugs are used for disease prevention or treatment. However, when improperly used on livestock or poultry, they result in tissue residues.

Drugs--hormones, tranquilizers, anthelmintics, antibiotics, etc.--are useful when properly used, but some may mask signs of diseases or abnormalities, or may be in tissues after slaughter.

Inspectors on ante-mortem inspection must be alert to the possibility of drugs masking signs of sick animals (tranquilizers in nervous diseases, antibiotics in diseases with pyrexia). Swellings in muscular regions, medicinal or chemical odors, and other abnormalities associated with drug administration are important aspects of ante-mortem inspection.

Muscle lesions, discoloration of subcutaneous tissue, and medicinal, chemical, or other foreign odor are possible post-mortem findings associated with drug residues.

Antibiotic injection lesions may appear as oily, viscous, opaque yellow material.

Since trimming affected areas does not assure that carcass and viscera are free from residues, all carcasses with injection lesions suspected of being caused by antibiotics must be retained and disposed of according to laboratory findings. All available information should be sent to the

laboratory with the sample--ante- and post-mortem signs, animal's origin, number in lot, number of animals affected, antibiotic(s) suspected, dosage, manufacturer's product name, etc.

(f) Sampling Imported Product

A sampling program is necessary to monitor imported meat and poultry products for biological residues. FO will furnish number and type of samples to submit and period during which they will be collected.

Samples will be selected at random from products regularly imported. Each shipment sampled should, if possible, have a different point of origin. Samples must be frozen and submitted with a completed MP Form 23, Laboratory Report, to the Chemical Control Laboratory servicing the area. Do not mail samples to arrive at the laboratory on weekends or holidays.

Bulk-packed products. Randomly select three shipping containers from an inspection lot and take 1 pound of product from each. Grind and mix the three samples, and submit 1 pound of the resulting composite to the laboratory.

Certain product characteristics make it difficult to obtain a fat sample and 2 pounds of meat can be substituted for 1 pound of fat. Submit 2 pounds of the 6-pound ground and mixed meat composite to the laboratory.

Canned product, miscellaneous processed product, institutional size packages. Select a minimum of three units from three separate, randomly selected cases in the inspection lot. Grind and mix 2 pounds of solid product from each of the three different units into a 6-pound composite and submit 2 pounds to the laboratory. When weight of product in each unit is less than 2 pounds, select more units.

(g) Diethylstilbestrol (DES)

(1) **Certification.** Cattle weighing more than 450 pounds and all sheep and

*
*
*

* lambs must meet the withdrawal and
* certification requirements stated in
* section 309.16 of the regulations
* before being presented for slaughter.
* They must be sufficiently identified
* to permit traceback to origin; however,
* plants may regroup and recertify them
* on a pen basis, provided owner/agent/
* dealer certificates are kept on file.

* (2) Sampling. Noncertified animals
* may be held by the plant, under MPI
* control, until the required withdrawal
* period is met, or they may be slaugh-
* tered and their carcasses held until
* representative liver and muscle samples
* are analyzed for DES by a plant-
* selected laboratory without cost to the
* Government. The Director, Scientific
* Services, reserves the right to dis-
* approve the laboratory selected. The
* inspector will send duplicate samples
* to an MPI laboratory for monitoring,
* and indicate in the "Remarks" section
* of MP Form 23 the number of animals
* involved and whether they were certi-
* fied as meeting the withdrawal
* period. Laboratory samples must be
* taken as shown in Table 11.9.

* Table 11.9 - Lot Sampling

Lot Size	Number of Animals
1-11	All
12-16	12
17-40	15
41-250	25
251-over	30

* (3) Filing Certificates. Inspector
* shall attach certificates from lots
* sampled to the MP Form 403-6, be pre-
* pared to furnish them to FO if DES
* residue is detected, and hold certifi-
* cates from unsampled lots for 14 days.

PART 14

INEDIBLE AND CONDEMNED PRODUCT

CONTROL AND DISPOSAL

Subpart 14-A

(Regs: M-314, 325; P-Subpart L, S)

product, facilities, equipment, and ingredients used for preparing such product.

14.4 UNDENATURED PRODUCT

Stomachs, crops, intestines, bones, feet, etc.--not condemned nor saved for animal food--and feathers, floor sweepings, etc. need not be denatured (unless local need is identified), provided handling results in denatured appearance.

If the method of collection and handling does not identify the products as inedible, they shall be further identified by an approved identifying agent. Inedible product not rendered within the plant shall be properly identified before the inspector's duty tour is completed.

Poultry plants without rendering facilities may ship condemned material to another location for disposal, provided it is hashed or coarsely ground and mixed with waste products before shipping.

14.1 DIRECT CONTROL, DISPOSAL

All condemned carcasses, parts, viscera, and unborn calves must be visually controlled, or must be under Government lock or seal until denatured, tanked, incinerated or, if eligible for animal food, properly identified with approved material.

Condemned poultry products may also be destroyed by hashing, or by coarse grinding and mixing with waste products (heads, feet, lungs, crops, intestines, gizzard contents, etc.) sufficiently to distinguish them from edible products. They shall be directly controlled by an inspector until hashed or ground and mixed with specified waste material.

14.2 IMMEDIATE HANDLING

Inedible and condemned material must not accumulate from one day to the next except for emergency.

To minimize inspection supervision, the inspector may require denaturing of condemned materials immediately after removal from viscera inspection table, truck, or line.

14.3 SEGREGATION, ISOLATION

Inedible and condemned material shall be segregated and isolated to prevent contamination of edible

14.5 DEAD ANIMALS, DOA'S

Plant management shall request Regional Director's permission to receive dead animals other than DOA's on premises. Permission is based upon whether receiving and handling of such animals may create a nuisance, and upon plant's capability to handle such animals and inedible and condemned material produced at the plant.

Plant employees shall place all poultry "dead on arrival" (DOA) in containers marked "U.S. Condemned" and denature with approved denaturant under inspector's supervision.

14.14 POULTRY PRODUCT, EXPORT

Feet, heads, and oil glands for export are not required to be denatured or treated with identifying material if they are handled sanitarilly.

Certain poultry products--gizzards, bones, ova, livers, hearts, and parts--collected for other than human food purpose must be thoroughly identified, unless handled as human food. Identifying may be done with any approved dye (see List of Chemical Compounds). Dye concentration and amount must be adequate to thoroughly identify the product. Such product shall be properly labeled "inedible chicken gizzards for pharmaceutical purpose only."

14.15 DENATURANT; IDENTIFYING MATERIAL

The List of Chemical Compounds shows denaturants or identifying materials that may be used as required by the regulations.

ANIMAL FOOD**Subpart 14-B**

(Regs: M-314, 325; P-Subpart L, S)

14.18 SEPARATE EQUIPMENT

Establishments desiring to save inedible and/or condemned material for animal or fish food must have separate and adequate equipment.

14.19 NUISANCE

Handling animal food product must not create a nuisance or interfere with inspection.

14.20 IDENTIFICATION (MEAT)

All products saved for animal food--lungs, spleens, paunches, udders, etc.--must be promptly handled and properly identified while an inspector is on duty to avoid added inspector supervision.

Although absolute security is not necessary over animal food product during operations, the plant must have an acceptable procedure to assure adequate identification. Such product may be kept overnight at the plant, if under Government lock or seal.

14.21 CONDEMNED PRODUCT**(a) Branding, Control (Meat)**

Condemned carcasses, parts, and livers, eligible for animal or fish food, must be branded "U.S. Condemned" and be under visual control, or under lock or seal until properly slashed and identified.

(b) Condemned Poultry

Condemned poultry products saved for animal food shall be promptly handled,

and kept under inspector's direct control until adequately identified (with approved material).

14.22 STORAGE

Inedible material, packed in properly marked liquid-tight containers and saved for animal food, may be stored in edible product freezers, provided it is separate and does not interfere with edible product handling.

14.23 CERTIFIED ANIMAL FOOD (MEAT)

* (a) Stomachs, Intestines

Stomachs and intestines--after opening or splitting and removing contents--may be saved for certified animal food without treatment with identifying material, and may be stored in approved warehouses provided they are accompanied by MP Form 508.

Washed paunches and denuded tripe for use in certified pet food may be shipped to a pet food manufacturer without denaturing under permit (325.11(f)). To maintain identity, such shipments should be accompanied by MP Form 508 (see Part 20).

* (b) Carcasses Passed for Cooking

* Meat from carcasses passed for cooking may be used in canned, retort-processed animal food product, prepared under the certified animal food program (Part 355). These carcasses must be shipped to certified animal food plants under official seal according to regulations (325.7). At the receiving plant, the inspector will keep an inventory and keep such carcasses under security until their processing is completed.

* (c) Reimbursable (R) Service

MPI service, rendered for supervising identification of certified animal food and for completing MP Form 508, is reimbursable and shall be billed to the plant.

14.24 HORSEMEAT PLANTS

Horse and other equine meat plants may receive federally inspected beef, veal, mutton, goat meat, pork, poultry, and their byproducts for use in manufacturing animal food. When not used for animal food, such meat and byproducts shall not be reshipped unless in their original unopened containers. Carcasses and parts from cattle, calves, sheep, goats, and swine cannot be shipped from horsemeat plants.

LABELING TERMINOLOGY

Subpart 17-C

(Regs: M-317, 318, P-Subpart N,P,T)

17.13 MEAT

(a) Bacon

If the term "bacon" is used for product other than that conventionally prepared from the side of a swine carcass, it should be qualified as to its origin in terms such as "pork shoulder plate bacon."

(b) Center Cut Pork Loin

Pork loin with shoulder end removed by cutting crosswise to the length of the loin at a point posterior to the edge of the scapular cartilage, and from which the ham end of the loin has been removed by cutting crosswise to its length, anterior to the cartilage on the tuber coxae.

(c) Center Cut Pork Chop

Pork chop cut from any portion of a center cut pork loin.

(d) Cooked Ham

Ham, cooked in a manner which does not include use of boiling water, should be labeled "cooked ham," not "boiled ham."

(e) Sliced Cooked Ham, Gelatin Added

In many plants product labeled "sliced cooked ham" is from canned ham identified as "cooked ham, with natural juices, gelatin added."

When ham is removed from the can and prepared for slicing, free juices and some gelatin remain on ham surface. Thus, cooked sliced canned ham should be labeled "sliced cooked ham, gelatin added" for proper identification.

(f) Dry Salt Cured

Product designated "dry salt cured" may contain a curing solution injected directly into the tissues but not through the circulatory system before it is covered with dry curing mixtures. It may be momentarily moistened to facilitate initial salt penetration. However, the term does not apply to product placed in curing solution. Product identified as "dry cured" should not be injected with or immersed in a curing solution.

(g) Chili, Chili Con Carne

"Chili" or "chili con carne," and "chili with beans" or "chili con carne with beans" may be used interchangeably.

(h) Byproducts

Meat byproducts shall be preceded by name of species from which derived and individually named.

(1) Beef heart. To assure adequate identification, the following terms shall be used:

"Beef hearts" - Untrimmed with bone intact.

"Beef Hearts-Bone Removed" - Untrimmed with bone removed.

"Beef Heart Meat" - Beef hearts with auricles (heart cap) and bone removed.

(2) Calf livers, hearts. Large calf livers and hearts may be designated "beef livers" and "beef hearts."

(3) Sheep - lamb tongues, brains. Sheep or lamb tongues, and sheep or lamb brains are practically indistinguishable and may be designated either "sheep tongues" or "lamb tongues" and "sheep brains" or "lamb brains."

(4) Tongue - cheek trimmings. They shall be shown as follows:

1. "(Species) salivary glands, lymph nodes and fat (cheeks)" to

identify the tissues resulting from converting "cheeks" to "cheek meat."

2. "(Species) tongue trimmings" include entire mass of tissue, except cartilage and bone, obtained by converting long-cut to short-cut tongues with a transverse cut posterior to the epiglottis, removing soft palate and epiglottis, cutting through the hyoid bone leaving approximately 1 1/2 inches in length of the bone with the tongue.

3. "(Species) salivary gland, lymph nodes and fat (tongues)" to identify resulting mass when muscle tissue is removed from tongue trimmings. Muscle tissue may be designated by specific species from which derived.

4. Trimmings from the tongue itself should be identified as "tongue meat," preceded by the name of species from which derived. Tongue meat should not include any tissues described in paragraphs 2 and 3 above.

(5) Windpipes. This term includes larynx, trachea, and bronchi.

(i) Enzyme Treated Product

Product from carcasses of animals injected with papain--liver, heart, tongue, cheek and head meat, trimmings, boneless beef, tenderloins, tails, tripe, and cuts of meat not showing an imprint of the roller brand reading "tendered with papain"--shall be properly identified and kept separate from other product.

When such product leaves an official establishment, immediate container shall bear a label showing, in addition to other required labeling, a statement such as "tendered with papain" or "treated with papain" prominently displayed contiguous to product name.

(1) Kidneys. They must be segregated and properly labeled.

(2) Retail dealer. The establishment will furnish retail dealers

handling such product with labels bearing the statement "tendered with papain" prominently displayed contiguous to the product name for use by such dealers on consumer packages or product from carcasses of animals injected with papain.

MPI personnel visiting retail markets should observe the effectiveness of this requirement. When retail outlets do not follow this identification, facts should be immediately reported to STS-LP.

(j) Pork skin

(1) Fresh. Fresh ham skins, fresh pork shoulder picnic skins, etc., may be used in lard rendering when, taken as a lot, they have at least 65 percent trimmable fat.

(2) Fried. When fried pork skins are prepared from skin removed from smoked pork bellies, names such as "fried pork skins," "fried bacon skins," or "fried bacon rinds" may be used to designate finished product name. When labeling material is submitted for approval, kind of skin used in product should be stated.

(3) Detached. "Detached skin" refers to portion of skin from which most of underlying fat is removed--skin from bacon intended for slicing, skin from closely skinned hams, shoulder cuts, fat backs, etc. If removal of skin portions is incidental to removal of a considerable proportion of underlying fat from ham, shoulder, back, etc., preparatory to rendering such fat, portions of skin so removed should not be regarded as detached skin and may be included with fats and rendered into lard. Ham facings are not regarded as detached skin.

(k) Refined Lard

This term is applied to open-kettle rendered, prime-steam, or dry-rendered lard put through a filter press with or without bleaching agent.

(1) Manteca, Manteca Pura

When "manteca" or "manteca pura" is used as a product name, the English designation "lard" or "rendered pork fat," as the case may be, must follow in close proximity.

(m) Shankless

When "shankless" is used in reference to a ham, it indicates the shank has been removed by a cut through the joint at a right angle to femur bone. The distal tip of the semitendinosus muscle may be severed above its tendinous attachment leaving an extension approximately 2 inches long. This extension is considered an integral part of the ham's body and is usually folded over the femur's end.

*** (n) Beefalo**

* The term "Beefalo" cannot substitute
* for "beef" in labeling. It can be
* featured as a further labeling term
* such as "beef from beefalo." Such
* usage will require that the establish-
* ment demonstrate an effective control
* system to the area supervisor to
* insure the term is used only with
* eligible products. The terms "calf"
* and "veal" apply to meat from young
* "beefalo" animals on the same basis
* as they are used with meat from other
* young bovines. See Section 3.3.

(o) Ingredients

(1) Monosodium glutamate. When monosodium glutamate and hydrolyzed plant protein are used in product, they must be individually shown in the ingredient statement.

(2) Parsley, pistachio nuts, pickles. Although nearly every ingredient in a product contributes to its flavor, substances such as parsley, pistachio nuts, and pickles--not added to product solely for flavoring purpose--must be specifically named.

(3) Pimento, pimienta, red pepper. Pimento or pimienta refers to the thick-walled, fleshy, conical-shaped sweet red pepper which may have a tough skin removable by a peeling process. The bell-shaped red pepper, from which the skin is usually not peeled, should not be designated "pimento" or "pimienta," but should be identified on labels as "red pepper." Most commercial pimento (or pimienta) and red pepper products are canned or frozen. They are produced and labeled to comply with Food and Drug Administration requirements.

(4) Smoked product. A product labeled "smoked" must be processed using smoke generated from hardwood, hardwood sawdust, corn cobs or from natural liquid smoke which has been transformed into a true gaseous state by the application of direct heat.

(5) Smoke flavoring. If smoke flavoring or artificial smoke flavoring is added to product surface but not as an ingredient in the formula, product need not be labeled "smoke flavoring added" or "artificial smoke flavoring added."

(6) Hickory smoke. If labeling of smoked product refers to "hickory smoke," plant shall provide the inspector with appropriate certification that such sawdust or wood used for smoking is 100 percent hickory.

17.14 POULTRY**(a) Rock Cornish Game Hen; Cornish Game Hen**

The inspector must assure identity and true labeling by using adequate control from ante-mortem inspection through packaging.

(1) Age; slaughter. Ante-mortem inspector determines whether chickens

are only 5 to 6 weeks old, and assures they are slaughtered separately.

(2) Packaging, labeling.

(i) Separate. Carcasses, necks, and giblets shall be kept and packaged separately from like items of other broiler lots to prevent inclusion of oversized necks and giblets.

(ii) Net weight. Net weight of packaged product shall not exceed 2 pounds with or without neck and giblets. Stuffed product may weigh in excess of 2 pounds.

Do not use "rock cornish game hen" or "cornish game hen" on underweight

frying chickens retained or removed from a straight run flock of commercial broilers.

(3) Supervision. To assure proper labeling, the inspector must closely supervise packaging and labeling operations.

(4) Labeling RTC product. Since the inspector has no knowledge upon which to make proper identification, ready-to-cook poultry must be labeled "rock cornish game hen" or "cornish game hen" before further processing, repacking, and relabeling.

(b) Cornish Roaster, Cornish Young Chicken

"Cornish" with other class names (cornish roaster, cornish young chicken, etc.) is applicable only when product is prepared from a purebred cornish chicken.

(c) Rock Cornish Roaster or Hen

"Rock cornish" with other class names (rock cornish roaster, rock cornish hen) is applicable only when product is a cross of rock and cornish breeds.

(d) Leghorn, Mediterranean Poultry

Leghorn or mediterranean breed type crosses shall not be labeled as "rock cornish game hen" or "cornish game hen." White ear lobes would indicate that birds are leghorn or mediterranean.

*** (e) Capon**

* In a carcass, the presence of one
* complete testicle, or of partial
* testicles and minor secondary sex
* characteristics to the extent that
* half or more of a normal rooster comb
* and wattles are evident (bright red),
* disqualify the carcass from being
* labeled "capon." If the comb and wat-
* tles are white or nearly white, the
* carcass qualifies for labeling as
* "capon." When full secondary sex

characteristics are evident, the label
"capon" shall not be used (see
381.170). Occasionally a young bird
with two complete testicles does not
display secondary sex characteristics.
This has been infrequent, but in-
creases in frequency as the trend
toward slaughtering younger birds con-
tinues. These birds qualify as
roasters.

(f) Carcass

"Poultry" pertains to an entire carcass. Minor trimmings, including removal of breast blisters, minor skin abrasions, portion of wing at the humerus junction with radius and ulna, do not require special labeling -- "parts missing." This labeling is also not required on officially graded birds, if grade mark is on immediate container and product meets grade standards.

(g) Parts, Giblets

As defined in the regulations, "giblets" mean liver, heart, and gizzard. Section 381.170(b), states "giblets consist of approximately equal numbers of livers, hearts, and gizzards determined on a count basis."

(1) Hearts, gizzards. When a container bears a label "hearts and gizzards," it must contain approximately equal numbers of each. If the variance in equal count exceeds 10 percent of any item, the label shall read for example, "hearts and gizzards - mostly hearts," "hearts and livers - mostly livers," or "giblets - mostly gizzards."

(2) Division of giblets. A division of giblets, packed with individual bird carcasses, is permitted only to the extent that such carcasses may contain a liver, heart, and gizzard either whole or in part. In case of such division, the part shall not be less than one half the unit item heart, liver, or gizzard. Division

of giblets is not permitted where shortage of giblets is the result of packing livers, gizzards, or hearts separately. Carcasses without giblets must be packed under labeling indicating "without giblets," or "parts missing."

(h) Parts Missing

"Parts missing" must appear as part of product name on all labels when product is packed without a significant part normally expected to be a part of entire carcass (drumstick, whole wing, whole leg, neck, major portion of breast, etc.).

(1) Without neck and/or giblets.

When product is packed without neck and/or giblets, labeling shall indicate either, "parts missing," "without necks," "without giblets" or "without neck and giblets," whichever is appropriate. The neck is not considered giblet; if missing, the label should state "neck missing," "without neck," "without giblets and neck," "parts missing," etc. Above terms must appear on the label directly below product name.

(2) Giblets parts missing. If a processor wishes to pack carcasses with heart and gizzard only, label should reflect this in product name with wording as "frying chicken" (parts of giblets missing, or with heart and gizzard) etc.

Insert label. Appropriate and applicable wording may be supplied on an insert-type label supplementing a previously approved label without such wording. The insert label may be used only when approved main label is a transparent bag or overwrap.

(3) Giblet, parts may be missing. This term may be used on bulk-pack containers, but not on consumer-size packages.

(i) Fabricated Poultry

(1) Cuts. Unless product name is

qualified to indicate deviation from a normal cut, all poultry parts must be cut according to the regulations (P-381.170). Where a cut is indicated in the regulations, the cut shall be made at that point through all tissues. In turkey breasts, neck skin from keel bone to whisker is allowed. Amounts over this must be stated on the label. In hen turkey breast, equivalent amounts of neck skin may be used.

(2) Breast cut. This cut includes white meat located on the outside of the clavicle, and attached to the breast meat. Product produced from more than one part and labeled as such shall contain natural proportions of named parts.

(3) Skin. Only sufficient skin to completely wrap product may be used. Skin overlapping is prohibited.

If skin in excess of this amount is used, product shall be labeled "skin added." An alternate method for boneless turkey thigh and breast roasts is to use not more than 15 percent skin. Test shall be done under inspector's supervision.

(j) Boneless Poultry

Deboned poultry product shall be labeled:

1. To show "kind" and "form," if not naturally deboned in large pieces (diced, chopped, finely chopped, emulsified, comminuted).

2. To show actual composition if other than natural proportions of skin and fat, as related to entire boneless carcass, are contained therein. Suitable labeling is provided by label reference to particular parts in products, i.e., comminuted, boneless chicken necks and backs, emulsified boneless chicken wings.

Alternatively, skin quantity can be indicated on the label, i.e., comminuted chicken meat with 40 percent skin (chicken necks have about 40 percent skin, chicken wings have about

35 percent skin).

3. Comminuted (kind) meat, if skin and fat are stripped from backs and necks before deboning.

4. If to be used in sausage "with kidneys and sex glands removed."

5. Cooked, if it is cooked.

(k) Canned Shredded Poultry

Shredded poultry must have shredded appearance. Mechanically deboned poultry product, produced by Bibum, Bee Hive, Paoli, and similar equipment, does not have a shredded appearance.

If product has skin in excess of natural proportions to a boneless whole bird, it must be so labeled. Most canned shredded poultry producers use cooked necks which are approximately 40 percent skin. Such product can be labeled as:

1. Shredded (kind) from necks,
2. Shredded (kind) meat with 40 percent skin, or
3. Shredded (kind) with 15 percent skin added.

(1) Poultry Treated with Additives

(1) Salt. Carcasses and parts treated with salt or other approved additive shall be labeled so that consumer is made aware that poultry has been so treated. Even though carcasses or parts may be institutionally packed, they shall be labeled to indicate additive used and its purpose.

(2) Caramel, turmeric spice. Caramel coloring and the spice "turmeric" may be included in formulas for poultry products, provided they are listed in the ingredients statement on the label for the product. U.S. certified colors and acceptable natural color dyes may be used if the wording "Color Added," "Artificially Colored," or similar wording appears as part of product name; such added color shall be declared in the ingredients statement by name identified as the coloring component.

(3) Enzymes. They are prohibited in poultry products.

PACKAGING MATERIAL

Subpart 17-D

(Regs: M-317, P-Subpart N,P,T)

Packaging materials include paper products (cartons, bags, band labels, wrappers, inserts, label stock, etc.); twine; plastics (films, bags, semi-rigid materials); glass and metal containers and closures (cans, jars, lids); aluminum foil; wood; etc.

17.16 ACCEPTANCE; RESPONSIBILITY

Generally, packages and packaging materials need not be sampled; however, if the inspector has reason to doubt their acceptability, he requires the plant or supplier to show a letter of acceptance, and permits use of materials on the basis of such letter. If a material is changed and its acceptability is questionable, the inspector submits samples, with identifying marks, trade names or numbers, and other pertinent information, to STS-LP.

The inspector should be alert to the use and performance of all packages and packaging materials. Since certain materials may transfer color, odors, or disintegrate when used, final acceptance must be made by the inspector according to their performance under actual packaging conditions.

Plant management or supplier may obtain a letter of acceptance by writing to Labels and Packaging Staff (see 17.1(b)) and by submitting samples of the material with a statement

of its chemical composition.

Exception! Request for approval of adhesives, coatings, inks, pigments, etc., which are not part of a packaging material, should be sent to STS-CH (see 23.2(b)(2)).

17.17 STOCKINET

Properly labeled or marked product may be covered with loosely woven stockinet, provided the marks are plainly visible through the covering.

17.18 TALC; STARCH; ALUMINUM FOIL

A small quantity of food grade talc
* or starch dusted on plastic films to
* prevent sticking is considered harm-
* less.

* Lead-free aluminum foil and its
* products are not toxic. However,
* products with considerable quanti-
* ties of salt or acidic ingredients,
* such as tomatoes, vinegar, barbecue
* sauce, etc., may corrode the alumi-
* num packaging material and cause
* package failure and product contami-
* nation. To prevent corrosion, such
* material should be coated with an
* approved resinous or polymeric sub-
* stance and should withstand tempera-
* tures up to 450° F. (see 17.16).

k. If the plant wishes to establish a procedure more restrictive than described above, the procedure, including definitions of defects and actions to be taken, should be submitted in narrative form for approval. If suitable history is established plants may submit different control plans for approval. Supporting data must also be submitted and verified by the inspector in charge.

18.12 SHIPPING; RECEIVING

Boneless meat and bulk-packed ground product in closed and marked containers (not casings) need not be shipped under seal to other plants or warehouse.

(a) Record

The shipping and receiving plant shall:

1. Maintain records of each boneless meat shipment. Include date, product description, quantity, number of pieces or units, and origin or destination.
2. Provide such records for review when requested by MPI employees.

(b) Species Identification Sampling

Inspector shall sample for species identification as directed by RD. Sampling should include lots of domestic or imported boneless meat from: (1) warehouses, (2) other plants, (3) any source when suspicion arises from character of product, condition of container, or lack of proper identification.

Samples shall be submitted to the microbiology laboratory (see Part 23).

18.13 DEFECT CRITERIA

- * Use Chart 18.1 and Chart 18.1-A for
- * classifying defects found on boneless
- * meat reinspection.

Table 18.1 - Sampling Plans

Lot size (pounds)	Plan No.	Step No.	Sample units	Major		Critical		Total	
				Ac	Re	Ac	Re	Ac	Re
1,000 or less	5 ^{1/}	-	3	0	1	0	1	1	2
8,000 or less	10	-	6	0	1	0	1	5	6
8,000 to (but not including) 24,000	15	1	9	0	2	0	1	4	8
		2	<u>3</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			12	1	2	0	1	8	9
24,000 to (but not including) 60,000	20	1	15	0	3	0	1	6	12
		2	<u>15</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			30	2	3	0	1	18	19
60,000 to (but not including) 240,000	25	1	22	0	4	0	1	9	16
		2	<u>25</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			47	3	4	0	1	26	27
240,000 to (but not including) 500,000	30	1	27	0	4	0	1	10	19
		2	<u>40</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			67	4	5	0	1	35	36
500,000 to (but not including) 1,000,000	35	1	33	0	5	0	2	12	21
		2	<u>56</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			89	5	6	1	2	45	46
500,000 to (but not including) 1,000,000	40 ^{2/}	1	40	0	6	0	2	15	25
		2	<u>71</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			111	6	7	1	2	56	57
1,000,000 and over	45	1	72	3	7	0	2	32	41
		2	<u>48</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			120	6	7	1	2	60	61
1,000,000 and over	50 ^{2/}	1	120	4	9	0	3	51	63
		2	<u>100</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total.....			220	11	12	2	3	105	106

^{1/} To be used only upon request of plant management or import broker.

^{2/} Alternate plan for the applicable lot size for reinspection of rejected lots and for lots consisting of numerous marks.

(6) Pork stomachs. They are considered meat byproducts rather than animal casings, even though they are intended for use as containers of meat food products.

(7) Pork jowls; slicing. Large, inverted hair follicles must be removed from pork jowls before they are used in further processing or before shipping.

Pork jowls to be used in fabricated products or in edible rendering shall be completely sliced or deeply scored from the "meat" surface downward in sections about 1 inch apart, and cut surfaces observed for abnormalities.

Pork jowls for use as "Smoked pork jowl Bacon Squares" may be processed without scoring, provided they are closely observed for abnormalities during preparation.

Mechanical slicing or scoring of unfrozen jowls is acceptable, provided (i) all cut surfaces are immediately observed for abnormalities, and (ii) acceptable facilities are available for cleaning and sanitizing contaminated equipment.

(8) Pork skin, rinds, snouts, lips, ears. They shall not be shipped unless they are free from visible hair roots, and are suitable for inclusion in meat food product (soupe, scrapple, head cheese, etc.).

* Exception! Skins with visible hair
* roots may be shipped from a producing
* plant, provided the product name is
* prominently qualified on each contain-
* er; i.e., "Pork Skins For Popping,
* Rendering, or Gelatin Manufacturing
* Use Only." And further, the Program
* is provided evidence that the product
* will be shipped (including incidental
* storage) to a popping, rendering, or
* gelatin manufacturing operation.

(b) Meat and Poultry

(1) Byproduct. Byproducts must be properly handled and chilled or frozen

to prevent unsoundness. Occasionally they are bulk packed before chilling. In this case, freezing must be followed by further examination to detect possible unsoundness.

Byproducts must be properly drained before packing or before being used as ingredients in food products. Improper draining after washing can carry excess water into packages or manufactured food product.

(2) Gelatin. It may be used for binding and congealing certain meat or poultry products. It should be carefully controlled. When sampling product, show amount of gelatin used on MP Form 22.

Poultry products with more than 3 percent gelatin shall be labeled to include "gelatin added," "with gelatin," or the like. Natural gums and extracts added as jelling agents may be used only in amounts necessary for intended purpose.

(3) Fat. Edible fat from federally inspected plants may be brought into an official plant, if in closed and properly labeled containers, or under Government seal.

When rendered or unrendered poultry fat is received frozen, the block should be cut or broken to insure soundness.

18.20 NONMEAT-NONPOULTRY ITEMS

(a) Identification; Labeling

All materials--curing mixtures, seasonings, spices, tomato puree, cereals, nonfat dry milk, etc.--must be labeled to show name of article, list of ingredients if composed of two or more, and amount or percentage of each restricted ingredient.

Mixtures of spices or other flavoring or seasoning components--spice extractions, oleoresins of spices, essential



UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

JULY 1977

CHANGE: 77-7

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page (numbered 77-7)
1	1
2	2
-----	-----
3	3
4	4
-----	-----
11	11
12	12
-----	-----
15	15
16	16
-----	-----
21	21
22	22
-----	-----
23	23
24	24
-----	-----
29	29
30	30
-----	-----
41	41
42	42
-----	-----
67	67
68	68
-----	-----
83	83
84	84
-----	-----
85	85
86	86
-----	-----

JULY 1977

CHANGE: 77-7

99	99
100	100
103	103
104	104
109	109
110	110
111	111
112	112
117	117
118	118

AUTHORITY: The provisions of this Part 381 issued under section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws (33 U.S.C. 1171(b)).

Subpart A-Definitions

§ 381.1 Definitions.

(a) For the purposes of the regulations in this part, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(b) For the purposes of such regulations, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(1) Acceptable. "Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

(2) Act. "Act" means the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451 et seq.).

(3) Administrator. "Administrator" means the Administrator of the * Food Safety and Quality Service of the Department or any other officer or * employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(4) Adulterated. "Adulterated" applies to any poultry product under one or more of the following circumstances:

(i) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(ii) (a) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Administrator, make such article unfit for human food;

(b) If it is, in whole or part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(c) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(d) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; Provided, That an article which is not otherwise deemed adulterated under (b), (c), or (d) of this subdivision shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this part in official establishments;

(iii) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(iv) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(v) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(vi) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(vii) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(viii) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefore; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) Animal food manufacturer. "Animal Food Manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry, except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed poultry byproducts (such as poultry byproducts meal) in the manufacture of such feeds.

(6) Applicant. "Applicant" means any person who requests inspection service, exemption, or other authorization under the regulations.

(7) Biological residue. "Biological Residue" means any substance, including metabolites, remaining in poultry at the time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the live poultry to a pesticide, organic compound, metallic or other inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other agent that leaves a residue.

(8) Capable of use as human food. The term "capable of use as human food" applies to any carcass, or part or product of a carcass of any poultry, unless it is denatured or otherwise identified as required by the regulations, or it is naturally inedible by humans.

(9) Carcass. This term means all parts, including viscera, of any slaughtered poultry.

(10) Commerce. "Commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(11) Consumer package. "Consumer package" means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

(12) Container. The term "container" includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(13) Department. "Department" means the United States Department of Agriculture.

- (14) (Reserved)
- (15) (Reserved)
- (16) Edible. This term means that an article is intended for use as human food.
- (17) Egg Products Inspection Act. "Egg Products Inspection Act" means the Act so entitled, approved December 29, 1970 (84 Stat. 1620, 21 U.S.C. 1031 et seq.).
- (18) Federal Food, Drug, and Cosmetic Act. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto (21 U.S.C. 301 et seq.).
- (19) Federal Meat Inspection Act. "Federal Meat Inspection Act" means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584 (21 U.S.C. 601 et seq.).
- (20) Free from protruding pinfeathers. "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.
- (21) Giblets. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: Provided, That each such organ has been properly trimmed and washed.
- (22) Immediate container. "Immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.
- (23) Inedible. This term means any carcass or any part of a carcass that is either naturally inedible by humans or is rendered unfit for human food by reason of adulteration or denaturing.
- (24) Inspected for wholesomeness. This term means that the poultry product so identified has been inspected and was found at the time of such inspection to be not adulterated.
- (25) Inspection. "Inspection" means any inspection required by the regulations to determine whether any poultry or poultry products comply with the requirements of the Act and the regulations.
- (26) Inspection Service. "Inspection Service" means the organizational unit within the Department having the responsibility for carrying out the provisions of the Act.
- (27) (i) Inspection Service employee. This term refers to any employee of the Inspection Service who is authorized to perform any function under the regulations.

(ii) Inspection Service supervisor. This term refers to any employee of the Inspection Service who is delegated authority to exercise supervision over certain phases of the inspection program at a designated level.¹

(28) (i) Inspector. "Inspector" means (a) an employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, or (b) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency.

(ii) Inspector in Charge. This term means the inspector primarily responsible for the conduct of inspection at any particular official establishment.

(29) Label. This term applies to any display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(30) Labeling. This term applies to all labels and other written, printed, or graphic matter (i) upon any article or any of its containers or wrappers, or (ii) accompanying such article.

(31) Misbranded. This term applies to any poultry product under one or more of the following circumstances:

(i) If its labeling is false or misleading in any particular;

(ii) If it is offered for sale under the name of another food;

(iii) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(iv) If its container is so made, formed, or filled as to be misleading;

(v) If in a package or other container, unless it bears a label showing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in § 381.121(a) with respect to the quantity of contents;

(vi) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as a food for which a definition and standard of identity or composition is prescribed by the regulations in Subpart P of this part unless:

(a) It conforms to such definition and standard, and

¹ Information identifying the employees who have been delegated such authority at various levels may be obtained from an inspector or from the Administrator, Food Safety and Quality Service, U.S. Department of Agriculture, * Washington, D.C. 20250.

(1) Such producer slaughters not more than 250 turkeys, or not more than an equivalent number of birds of all species, during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);

(2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and

(3) None of such poultry moves in "commerce" (as defined in § 381.1).

(d) (1) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, in any State or organized territory, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments would be subject to such inspection provisions only because the State or territory is designated under paragraph 5(c) of the Act. (This exemption does not apply to establishments at which poultry products are processed for commerce.)

(2) For the purposes of subparagraph (1) of this paragraph:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants include any processing of poultry products except canning of poultry products and except slaughtering of poultry unless such slaughtering is conducted at a retail store with respect to live poultry purchased by the consumer at the retail store and processed by the retail store operator in accordance with the consumer's instructions.

(ii) A normal retail quantity is any quantity of a poultry product purchased by a household consumer from a retail supplier that in the aggregate does not exceed 75 pounds. A normal retail quantity sold by a retail supplier to other than a household consumer is any quantity that in the aggregate does not exceed 150 pounds.

(iii) A retail store is any place of business where sales of poultry products are made to consumers only; at least 75 percent, in terms of dollar value, of total sales of poultry products represents sales to household consumers and the total dollar value of sales of poultry products to consumers other than household consumers does not exceed \$18,000 per calendar year (i.e., January 1 through December 31); only federally or State inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products for sale is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(iv) A restaurant is any establishment where poultry products are processed only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal

retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(v) A similar retail-type establishment is any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision (iii) or (iv) of this subparagraph; or other establishment as determined by the Administrator in specific cases.

(vi) A consumer is any household consumer, hotel, or restaurant, or similar institution as determined by the Administrator in specific cases.

(3) Whenever any complaint is received by the Administrator from any person alleging that any retail establishment or restaurant claiming exemption under this paragraph (d) in any designated State or organized territory listed in § 381.221 that is also identified in § 381.224 as a jurisdiction that does not have or is not exercising adequate authority with respect to recordkeeping requirements, has been operated in violation of the conditions prescribed in this paragraph (d) for such exemption, and the Administrator, upon investigation of the complaint, has reason to believe that any such violation has occurred, he shall so notify the operator of the retail establishment or restaurant and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Administrator determines that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail establishment or restaurant would effectuate the purposes of the Act, the Administrator shall order the operator to maintain complete, accurate, and legible records of his total monthly purchases and of his total monthly sales of poultry and poultry products. Such records shall separately show total sales to household consumers and total sales to other consumers, and shall be maintained for the period prescribed in § 381.177. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(4) The adulteration and misbranding provisions of the Act and the regulations other than the requirement of the official inspection legend, apply to articles which are exempted from inspection under this paragraph (d).

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific provisions of the Act or regulations which are in conflict with such religious dietary laws. Any person desiring such an exemption shall apply in writing to the Meat and Poultry Inspection Program, Food Safety and Quality Service, Department of Agriculture, Washington, D.C. 20250, setting forth the specific provisions of the Act and the regulations from which exemption is sought and setting forth the provisions of the religious dietary laws in support of the requested exemption. In addition, the applicant for such an exemption

(e) Products of the types specified in this section except those specified in paragraphs (c) and (d) of this section will be deemed to be represented as poultry products if the kind name of the poultry (chicken, turkey, etc.) is used in the product name of the product without appropriate qualification. For example, a consumer-packaged noodle soup product containing less than 2 percent chicken meat on a ready-to-serve basis may not be labeled "chicken Noodle Soup" but, when appropriate, could be labeled as "Chicken Flavored Noodle Soup." Products exempted under this section are subject to the requirements of the Federal Food, Drug, and Cosmetic Act.

Subpart D-Application for Inspection; Grant or Refusal of Inspection

§ 381.16 How application shall be made.

The operator of each establishment of the kind required by § 381.6 to have inspection shall make application to the Administrator for inspection service. In cases of change of name, ownership, or location, a new application shall be made.

§ 381.17 Filing of application.

Every application for inspection at any establishment shall be made by the * operator on a form furnished by the Meat and Poultry Inspection Program, Food *
* Safety and Quality Service, U.S. Department of Agriculture, Washington, *
D.C. 20250, and shall include all information called for by that form,
including the name of any subsidiary corporation that will prepare any poultry product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all its subsidiaries with the requirements of the regulations at such establishments if inspection is granted. Processing of poultry products and other operations at the establishment for which inspection is granted may be conducted only by the applicant, except that such a subsidiary of the grantee, may conduct such operations at such establishment.

§ 381.18 Authority of applicant.

Any person applying for inspection service may be required at the discretion of the Administrator to demonstrate that the operator of the establishment authorized him to do so.

§ 381.19 Application for inspection; required facilities.

An application for inspection service under this part shall be made according to the following procedure;

(a) Prints of drawings and specifications to be furnished. (1) Applicants for inspection service may obtain information or assistance from the Inspection

Service with respect to the requirements before submitting prints of drawings and specifications.

(2) Two prints of drawings showing the features specified in this section shall be submitted to the Administrator. Photostats of drawings are not acceptable. The drawings and prints shall be legible, made with sharp, clear lines, and properly drawn to scale, and shall consist of complete floor plans and a plot plan. Submissions consisting of more than one sheet shall be bound together at the left margin in sets.

(3) The plot plan shall show such features as the limits of the establishment premises, location in outline of buildings on the premises, one point of the compass, and the location of roadways, railroads, and water and sewer lines or sewage facilities serving the establishment.

(4) The floor plan shall show all space to be included in the official establishment. If rooms or compartments shown on the drawings are not to be included as part of the official establishment, this shall be clearly indicated thereon.

(5) The sheets of paper on which prints of drawings are made shall not exceed a size of 34" x 44". The drawings, other than of the plot plan, shall be made to a scale of one-eighth inch per foot. The plot plan may be drawn to a scale of not less than one thirty-second inch per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g. basement, first or second).

(b) Features required to be shown on floor plan. The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations;

(2) The name of the operator and address of the establishment by street and street number, or by other means properly identifying the location of the shown on the application for service (Form MP-401));

(3) One point of the compass;

(4) The doors and openings for passageways, designating those which are self-closing or permanently closed;

(5) All floor drain openings and gutter drains, and for all buildings constructed after September 1, 1959, the approximate location of all underfloor and underground piping;

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand operated shall be so designated on the blueprints);

(7) All steam and hot and cold water outlets for cleanup purposes;

(8) Ice making and storage facilities;

(9) The point at which live poultry is hung on the conveyor line, the point where dressed poultry is removed, and the point of transfer to the eviscerating line;

(10) The routes of the edible and inedible products;

(11) The location of fresh air inlets, exhaust fans and hoods.

(c) Specifications. Four sets of specifications covering the following shall accompany the drawings:

(1) Height of ceilings;

(2) Type of ceilings--open or closed;

(d) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator, to the extent he determines necessary to avoid impairment of the effective conduct of the inspection service when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any inspection service employee in or on account of the performance of his official duties under the Act, unless promptly upon the incident being brought by an authorized supervisor of the Inspection Service employee to the attention of the operator of the establishment the operator (1) satisfactorily justifies the incident, (2) takes effective steps to prevent a recurrence, or (3) provides acceptable assurance that there will not be any recurrences. The suspension shall remain in effect until one of such actions is taken by the operator: Provided, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

Subpart F-Assignment and Authorities of Program Employees

§ 381.30 Licensed or otherwise authorized inspectors.

Any person who is a Federal, State, Territory, or District of Columbia employee possessing proper qualifications may be authorized by the Administrator to inspect poultry and poultry products pursuant to the regulations. A license (for an indefinite or specified period) shall be issued to each such authorized Federal, State, Territory, or District of Columbia employee not employed in the Inspection Service.

§ 381.31 Expiration, suspension or revocation and surrender of licenses.

(a) Whenever a licensed inspector leaves the employment of the Federal, State, or other agency in which he was employed when his license was issued, or he otherwise becomes unavailable to perform inspection under the regulations or the appropriate Inspection Service supervisor notifies him that his services are not needed to carry out such inspection, for reasons not involving any fault of the licensee, the license shall be deemed to expire. Licenses for a limited period shall also expire in accordance with their terms.

(b) The appropriate Inspection Service supervisor, after consultation with the Federal, State, or other agency may, in cases not under paragraph (a) of this section, whenever he deems such action necessary for the effective administration of the Act and the regulations, suspend any license issued pursuant to the regulations, to an employee of such Federal, State, or other agency, by giving notice of such suspension to the individual involved, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Administrator, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day

period and consideration of such argument and evidence, the Administrator will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked.

(c) Each license which is suspended or revoked or has expired shall be promptly surrendered to the appropriate Inspection Service supervisor.

§ 381.32 Access to establishments.

Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, upon presentation of appropriate credentials.

§ 381.33 Identification.

Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 381.34 Financial interest of inspectors.

(a) No inspector shall inspect any poultry or poultry product in which he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person with whom he is negotiating or has any arrangement concerning prospective employment, is financially interested.

(b) All inspectors are subject to statutory restrictions with respect to political activities; e.g., 5 U.S.C. 7324 and 1502.

(c) Violation of the provisions of paragraph (a) of this section or the provisions of applicable statutes referenced in paragraph (b) of this section will constitute grounds for dismissal in the case of appointees and for revocation of licenses in the case of licensees.

(d) Inspectors are subject to all applicable provisions of law and regulations and instructions of the Department and the Food Safety and Quality Service and other authority concerning employee responsibilities and conduct. The setting forth of certain prohibitions in this part in no way limits the applicability of such general or other regulations or instructions.

§ 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: Provided, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall determine whether the inspector's

decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of \$9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection.

Subpart G-Facilities for Inspection; Overtime and Holiday Service;
Billing Establishments

§ 381.36 Facilities required.

(a) Inspector's Office. Office space, including, but not being limited to furnishings, light, heat, and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Each official establishment shall provide commercial laundry service for inspectors' outer work clothing, or disposable outer work garments designed for one-time use, or uniform rental service garments which are laundered by the rental service.

(b) Facilities for ante-mortem inspection. Batteries, coops, or other facilities in which live poultry is presented for ante-mortem inspection shall be of such arrangement and construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 381.37 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of an Inspection Service employee. All eviscerating of poultry and further processing shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an * exporter shall pay the Food Safety and Quality Service \$13.20 per hour per * Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial day, the last Monday in May; Independence day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

Number of persons of same sex:	Minimum number of facilities
1 to 9.....	1.
10 to 24.....	2.
25 to 49.....	3.
50 to 74.....	4.
75 to 100.....	5.
Over 100.....	1 for each additional 30 persons.

Where 10 or more are employed, urinals may be substituted for the toilet bowls specified in the foregoing formula, except that the number of toilet bowls in such cases may not be reduced to less than two-thirds of the number specified. Two feet of trough urinal shall be considered as equivalent to one individual urinal.

(i) Suitable sanitary drinking water facilities shall be provided.

(j) All toilets, lavatories, and other sanitary facilities shall be kept clean and in good repair.

§ 381.52 Lighting and ventilation.

(a) There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(b) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot-candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot-candles. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor.

(c) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

§ 381.53 Equipment and utensils.

(a)(1) Equipment and utensils used for processing or otherwise handling any edible poultry product or ingredient thereof, in any official establishment shall comply with any applicable provisions of paragraphs (c) through (m) of this section and otherwise shall be of such material and construction as, in the judgment of the Administrator, will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of all edible poultry products and avoid adulteration and misbranding of such products. In addition to these requirements, equipment and utensils shall not in any way interfere with or impede inspection procedures. Receptacles used for handling inedible products shall be of such material and construction that, in the judgment of the Administrator, their use will not result in adulteration of any edible product or in unsanitary conditions at the establishment, and they shall bear conspicuous and distinctive marking to identify them as only for such use and shall not be used for handling any edible poultry products.

(2) When equipment or utensils for use in preparing or handling product are proposed for use in an official establishment, the operator of the establishment shall so notify the Administrator, and thereafter shall submit to the Administrator such information as the Administrator specifies in each case as necessary to determine whether the equipment or utensils meet the criteria

specified in paragraph (a)(1) of this section. The required information shall include, but may not be limited to, assembly type drawings, and a list showing the materials of which parts are made. The Administrator will evaluate the model of equipment or utensil and determine whether it is acceptable for its proposed use under the criteria set forth in paragraph (a)(1) of this section.

(3) The Administrator will, from time to time, prepare a listing by name and model number of equipment and utensils that have been evaluated and found to be acceptable for their proposed use in accordance with this section. A copy of such listing can be obtained from Technical Services, Meat and Poultry * Inspection Program, Food Safety and Quality Service, U.S. Department of * Agriculture, Washington, D.C. 20250.

(4) The Administrator may disapprove for use in official establishments particular models of equipment or utensils that he finds do not meet the requirements of paragraph (a)(1) of this section, or that he cannot evaluate because of lack of sufficient information. Further, he may prescribe such conditions for the use of particular models of equipment or utensils, either on a trial or permanent basis, as he finds necessary to prevent adulteration or misbranding of product.

(5) Nothing in this section shall affect the authority of Inspection Service inspectors to reject specific equipment or utensils under § 381.99 of the regulations in this subchapter.

(b) Before approval of any model or specific item of equipment or utensil is finally denied, or is granted only with conditions, the applicant shall be given notice and opportunity to present his views to the Administrator. If the applicant does not accept the Administrator's determination, a hearing in accordance with the applicable rules of practice will be held to resolve such dispute. This shall not preclude rejection of the equipment or utensils under § 381.99 or this section pending the outcome of the presentation of views or hearing.

(c) Refuse containers. Leakproof refuse containers with covers shall be provided, except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(d) Scalding equipment. (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a sanitary scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the inspector in charge to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, drawoff valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in proximity to a floor or valley drain.

(e) Wax finishing. When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(f) Ice shovels. Ice shovels shall be smooth surfaced and entirely constructed of rustproof, impervious material.

(g) Conveyors. (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of the viscera with their carcass and so

19 lbs.-19 lbs. 15 ozs.....	6.1	6.35
20 lbs.-20 lbs. 15 ozs.....	5.9	6.15
21 lbs.-21 lbs. 15 ozs.....	5.8	6.05
22 lbs.-22 lbs. 15 ozs.....	5.6	5.85
23 lbs.-23 lbs. 15 ozs.....	5.5	5.75
24 lbs.-26 lbs. 15 ozs.....	5.4	5.65
27 lbs. and over.....	5.3	5.55

(4) (i) With respect to ready-to-cook chicken carcasses, averaging 4 1/4 pounds or less, that are chilled in continuous chillers and further aged or chilled in slush ice and water, prior to being cut up, the maximum amount of moisture absorption and retention shall not exceed (when placed on the cutup line) the percentage limits set forth in the following table:

Average Percent Increase in Weight Over Weight of Carcass Prior to
Final Washer (Less Necks and Giblets)

Zone A-10.0¹
Zone B-11.0¹

(ii) With respect to ready-to-cook chicken carcasses, averaging 4 1/4 pounds or less, which are chilled in continuous chillers only, prior to being cut up, the percentage limits set forth in subparagraph (5) of this paragraph shall apply.

(5) With respect to ready-to-cook poultry other than that under subparagraph (3) or (4)(i) of this paragraph that is to be ice packed, the maximum amount of moisture absorption shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing on the drip line, the percentage limits set forth in the following table:

Maximum Moisture Absorption and Retention Limits for Ice Pack Poultry

Average percent increase in weight over weight of carcass prior to final washer
(less necks and giblets)

Zone A-12.0¹
Zone B-13.0¹

(6) With respect to all ice pack poultry, the loss of moisture during holding and transportation to the first destination shall result in moisture retention that is within the limits, applicable to the class of poultry involved, set forth in Zone A of Tables 1 and 2 in subparagraph (2) of this paragraph.

¹ Product shall be retained if, out of five consecutive tests more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(7) Ten-bird tests shall be conducted at least daily by inspectors to assure compliance with the requirements of subparagraphs (1) through (5) of this paragraph, using procedures set forth in the Poultry Inspectors' Handbook. The inspectors' 10-bird test will be used to determine such compliance, except as additional 50-bird tests are required under subparagraph (8) of this paragraph.

(8) Each official establishment may make adjustments in its washing, chilling, and draining methods provided it submits to the inspector at the establishment, written notice of the proposed adjustments before any changes are made, and provided further, that the operator of the establishment, immediately after the change, selects, prepares, identifies, and weights, ¹ in accordance with procedures set forth in the Poultry Inspectors' Handbook, individually a random sample of 50 ready-to-cook poultry carcasses prior to the final washer and again when they are removed from the drip line or other draining device immediately before packing. If the average weight of the 50 poultry carcasses taken before the final washer and their average weight after immediate removal from the drip line or draining device show that the product is in compliance with the Zone A moisture absorption limits, applicable to the class of poultry involved, set forth in this section, the adjusted methods will become the established washing, chilling, and draining system for the establishment. If the results of the weighing of the sample of 50 carcasses show that the product exceeds the Zone A limits set forth in this section, the poultry will be retained in accordance with procedures set forth in the Poultry Inspectors' Handbook. Retained poultry shall not be released from the establishment until they meet the applicable requirements of subparagraph (2), (3), (4), or (5) of this paragraph.

(9) The establishment shall provide scales, weights, identification devices, and other supplies necessary to conduct all moisture tests.

(10) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out. However, the Administrator, upon written request and under such conditions as he may prescribe in specific cases, may approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing.

(11) (i) Giblets shall be handled in a manner that will prevent free water from being included in the giblet package. If giblet wrapping material is to be used, the average weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24" x 36"-500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410, except that the weight of such material may exceed 30 pounds per standard ream if, after absorption, as allowed by subdivision (ii) of this subparagraph, the material does not weigh more than the total of a 30-pound standard ream plus the allowable absorption increase.

¹ The Poultry Inspectors' Handbook is available upon request from the
* Food Safety and Quality Service of the U.S. Department of Agriculture, *
Washington, D.C. 20250.

ingredients comprising the poultry product and by a statement indicating the method or preparation of the product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(b) When labels for poultry products bear a chemical analysis, such products must be analyzed on a lot basis by an impartial laboratory to determine whether the products conform to the analysis shown. Such laboratory data shall be made available to the inspector in charge. Any protein percentage shown shall be a minimum and any fat, carbohydrate or caloric content, shall be a maximum. A lot shall consist of no more than one day's production. Laboratories operated by the processor may be used when such laboratory has been approved by the Chemistry Staff, Scientific and Technical Services. The inspector in charge shall, as he deems necessary, submit samples of poultry products to the Chemistry Staff for analysis.

§ 381.134 Label approvals by the inspector in charge.

(a) The inspector in charge may approve labels for containers of poultry products sold under contract specifications to Federal governmental agencies, when such product is not offered for sale to the general public: Provided, That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector in charge.

(b) The inspector in charge shall approve labels for shipping containers which contain fully labeled immediate containers. Such labels shall comply with § 381.127 and shall bear no wording or other matter which is false or misleading in any respect. Shipping container labels shall be submitted to the inspector in charge in quadruplicate with two copies of the approval being forwarded to the Washington office.

(c) The inspector in charge shall approve labels for products of poultry not intended for human food if they comply with § 381.152(c), and labels for poultry heads and feet for export for processing as human food if they comply with § 381.190(b).

§ 381.135 Modifications of approved labeling or devices.

(a) The inspector in charge may permit the use of approved labeling or other devices which have been modified as follows: Provided, That the labeling or device as modified is so used as not be false or misleading:

(1) All features of the labeling or marking are proportionately enlarged, with color scheme changes, if any, limited to those which will result in the same degree of legibility of each part of the modified labeling or device as that of the approved labeling or device.

(2) Changes are made in the figures denoting the quantity of contents or there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the "pound" or "ounce" is substituted for the abbreviation.

(3) The name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master

or stock label which was approved with the understanding that such information would be added later.

(4) During Christmas and other holiday seasons, wrappers or overprints in floral or foliage designs, or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are added to approved labels or devices. The use of such designs shall not obscure any mandatory information.

(5) A slight change is made in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) The appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label.

(7) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: Provided, That the change is in accord with any minimum or maximum limits for the use of certain ingredients prescribed in § 381.147.

(b) The inspector in charge shall send a copy of each such approved modified label to the Labels and Packaging Staff, Meat and Poultry Inspection, Food Safety and Quality Service, USDA, Washington, D.C. 20250. *

§ 381.136 Affixing of official identification.

(a) No official inspection legend or any abbreviation or other simulation thereof may be affixed to or placed on or caused to be affixed to or placed on any poultry product or container thereof, except by an inspector or under the supervision of an inspector or other person authorized by the Administrator, and no container bearing any such legend shall be filled except under such supervision.

(b) No official inspection legend shall be used on any poultry product or other article which does not qualify for such mark under the regulations.

§ 381.137 Evidence of labeling and devices approval.

No inspector shall authorize the use of any labeling or device bearing any official inspection legend unless he has on file evidence that such labeling or device has been approved in accordance with the provisions of this subpart.

§ 381.138 Unauthorized use or disposition of approved labeling or devices.

(a) Labeling and devices approved for use pursuant to § 381.115 shall be used only for the purpose for which approved, and shall not be disposed of from the official establishment for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labeling or devices bearing official inspection marks is prohibited and may result in cancellation of the approval.

(b) Labeling and containers bearing any official inspection marks, with or without the official establishment number, may be transported from one official establishment to any other official establishment, only if such shipments are made with the prior authorization of the inspector in charge at point of origin, who will notify the inspector in charge at destination concerning the date of shipment, quantity, and type of labeling material

¹ Special labeling requirements are prescribed in § 381.120 for raw poultry products chilled in a medium with more than 70 lbs. of salt to 10,000 gals. of water.

² These are proprietary products, and a list thereof can be obtained from the Laboratory Services Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

*

§ 381.148 Processing and handling requirements for frozen poultry products.

Procedures with respect to processing of frozen ready-to-heat-and-eat poultry products or stuffed ready-to-roast poultry shall be in accordance with sound operating practices and carried out in a manner which will assure freedom from adulteration of the products. Products to be frozen shall be moved into the freezer promptly under such supervision by an inspector as is necessary to assure preservation of the products by prompt and efficient freezing. Adequate freezing facilities shall be provided within the official establishment where products to be frozen are prepared, except that, upon written request, and under such conditions as may be prescribed by the Administrator in specific cases, such products may be moved from the official establishment prior to freezing: Provided, That the official establishment and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine that the products are being properly handled and frozen.

§ 381.149 Processing and handling requirements for canned poultry products.

Canned poultry products which are heat treated after closing or sealing shall be processed and handled in accordance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with a water spray or by other means acceptable to the Administrator. The nozzle on the spray attachment shall be of such design and the water delivered with such pressure as will effectively rinse all of the inner surface of each container, immediately prior to filling with poultry products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (e) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees to ascertain whether the containers are perfectly sealed. The poultry products in such containers as are defectively closed or sealed shall promptly be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: Provided: That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the poultry products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers.

(d) After heat processing, any containers of poultry products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Poultry products may, when authorized by the Administrator in specific cases, and under such conditions as he may prescribe and approve, be canned without steam pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned poultry products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) (1) Facilities shall be provided to incubate at least representative samples of fully processed canned poultry products. The incubation shall consist of holding the samples for at least 10 days at about 95° F. except that samples of firmly packed poultry products such as shredded poultry meat, and products weighing 3 pounds or more shall be held at 95° F. for no less than 20 days. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(2) In the event the official establishment fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned poultry products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(3) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned poultry products to be shipped from the official establishment when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the official establishment for reinspection should such action be indicated by the incubation results.

§ 381.150 Cooking temperature requirements for poultry rolls and certain other poultry products.

All poultry rolls and other poultry products that are heat processed in any manner shall reach an internal temperature of at least 160° F. prior to being removed from the cooking medium, except that cured and smoked poultry

rolls and other cured and smoked poultry products shall reach an internal temperature of at least 155° F. prior to being removed from the cooking medium. Notwithstanding the other provisions of this section, product to which heat will be applied incidental to a subsequent processing procedure may be removed from the media for such processing provided it is immediately fully cooked to the required 160° F. internal temperature.

§ 381.151 Adulteration of product by polluted water; procedure for handling.

(a) In the event there is polluted water (including but not limited to flood water) in an official establishment, all poultry products and ingredients for use in the preparation of such products that have been rendered adulterated by the water shall be condemned.

(b) After the polluted water has receded from an official establishment, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly by the official establishment personnel. An adequate supply of hot water under pressure is essential to make such cleaning effective. After cleaning a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 parts per million) or other equivalent disinfectant approved by the Administrator¹ shall be applied to the surface of the rooms and equipment and rinsed with potable water before use.

(c) Hermetically sealed containers of poultry product which have been contaminated by polluted water shall be examined promptly by the official establishment under supervision of an inspector and rehandled as follows:

(1) Separate and condemn all poultry products in damaged or extensively rusted containers.

(2) Remove paper labels and wash the remaining containers in warm soapy water, using a brush where necessary to remove rust or other foreign material. Disinfect these containers by either of the following methods:

(i) Immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other equivalent disinfectant approved by the Administrator,¹ rinse in potable water, and dry thoroughly; or

(ii) Immerse in 212° F. water, bring temperature of the water back to 212° F. and maintain the temperature at 212° F. for 5 minutes, then remove containers from water and cool them to 95° F. and dry thoroughly.

(3) After handling as described in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned poultry product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of containers.

¹ A list of approved disinfectants is available upon request to Scientific * Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, * U.S. Department of Agriculture, Washington, D.C. 20250.

wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engages in the business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, shall register with the Administrator, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business. Such persons shall register under * this section by filing with the Administrator, Food Safety and Quality Service, * U.S. Department of Agriculture, Washington, D.C. 20250, a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Compliance Staff, Meat and Poultry * Inspection Program, Food Safety and Quality Service, U.S. Department of * Agriculture, Washington, D.C. 20250.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

§ 381.180 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to inspectors accurate information as to all matters needed by them for making their daily reports of the amount and disposition of poultry products processed or handled in the establishment to which they are assigned and such other reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as may be required by the Administrator in specific cases.

(b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

§ 381.181 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any poultry product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the * appropriate program supervisor, Meat and Poultry Inspection Program, Food * Safety and Quality Service, U.S. Department of Agriculture, of the kind, * quantity, source and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation

or receive for transportation, in commerce, any such product which is capable of use as human food and is in fact adulterated or misbranded at the time of such sale, transportation, offer, or receipt: Provided, That any such allegedly adulterated or misbranded product may be transported to any official establishment for reinspection.

§ 381.182 Reports of inspection work.

Reports of the inspection work carried on within official establishments shall be forwarded to the Administrator by the inspector in charge in such a manner as may be specified by the Administrator.

Subpart R-Cooperation With States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program

§ 381.185 Assistance to State and Territorial programs.

(a) The Administrator is authorized, under paragraph (a) of section 5 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering the poultry product inspection program of such jurisdiction, with a view to assuring that it imposes and enforces requirements at least equal to those under sections 2 through 4, 6 through 10, and 12 through 22 of the Act, with respect to establishments at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such jurisdiction, and with respect to the poultry products of such establishments. Such cooperation is authorized if the jurisdiction has enacted a mandatory law imposing ante-mortem and post-mortem inspection, reinspection, and sanitation requirements (at least equal to those under the Federal Act), with respect to all or certain classes of persons engaged in slaughtering poultry or otherwise processing poultry products for use as human food solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 5 of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those provided in section 11 of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased poultry; and products not intended for human food) when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or territory) for any year shall not exceed 50 percent of the estimated total cost of the cooperative State (or territorial) program. A cooperative program under this section is called a State-Federal program.

§ 381.193 Poultry carcasses, etc. not intended for human food.

Poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails. All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (a) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: Provided, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance Staff,

* Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. *

Subpart T-Imported Poultry Products

§ 381.195 Requirements for importation into United States.

(a) No slaughtered poultry, or parts or products thereof, shall be imported into the United States unless they are healthful, wholesome, fit for

human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and they also comply with the regulations prescribed in this subpart to assure that they comply with the standards provided for in the Act: Provided, That the provisions of this subpart apply to such articles only if they are capable of use as human food.

(b) Except as provided in § 381.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries listed in § 381.196(b). Slaughtered poultry may be imported only if it qualifies as ready-to-cook poultry.

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their poultry products, with requirements at least equal to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of poultry inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which poultry products are processed for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of poultry inspection organized and maintained in the United States with respect to:

§ 381.198 Importer to make application for inspection of imported poultry products.

* Each person who wishes to import any slaughtered poultry or other poultry product shall make application for inspection to the inspector in charge of the import inspection office at the port where the poultry product is to be offered for entry, or to the Administrator, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment of such product, except in the case of poultry product exempted from inspection by §§ 381.207 or 381.209. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the ship or other carrier transporting it, the name of the country where the product was processed, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, whether fresh, frozen, cured, or canned, and the point of first arrival in the United States. *

§ 381.199 Inspection of imported poultry products.

(a) Except as provided in § 381.209, and paragraph (c) of this section, all slaughtered poultry and poultry products imported from any foreign country listed in § 381.196(b) shall be inspected in accordance with inspection procedures prescribed by the Administrator, including the examination of the labeling information on the containers, by an inspector, before the same shall be allowed entry into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots) the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take, without cost to the United States, from each consignment of imported poultry products, such samples of the products as are deemed necessary to determine the eligibility of the products for entry into the commerce of the United States.

(c) Poultry products imported under § 381.207 shall not be sampled and inspected under this section unless there is reason for suspecting the presence therein of a substance in violation of that section, and in such case they shall be sampled and inspected in accordance with paragraph (a) of this section.

§ 381.200 Imported poultry products, retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.

(a) No slaughtered poultry or other poultry product required by this subpart to be inspected shall be released from customs custody prior to inspection, but such product may be delivered to the consignee, or his agent, prior to inspection, if the consignee shall furnish a bond, in form prescribed

by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(b) Except as provided in paragraph (a) of this section, no product required by this subpart to be inspected shall be moved, prior to inspection, from the port of arrival where first unloaded, and if arriving by water, from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this subpart as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this subpart.

(c) Means of conveyance or outside containers in which any imported poultry product is moved, prior to inspection from the port or wharf where first unloaded in the United States, shall be sealed with the official seals of the Department of Agriculture as prescribed in § 381.98 or otherwise identified as provided in this paragraph unless already sealed with customs or consular seals in accordance with the customs regulations. The containers shall be securely tied before being offered for sealing. Such seals shall be affixed by inspectors, or, if there is no inspector at such port, then by a customs officer. In lieu of tying and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright green paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

Notice

This container of poultry product must be delivered intact to an inspector of the Meat and Poultry Inspection Program, U.S. Department of Agriculture.

Warning

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "U.S. Inspected and Passeded" and this warning notice defaced.

(d) No person shall affix, alter, detach, deface, or destroy any official seal of the Department of Agriculture except customs officers or inspectors or as provided for in paragraph (f) of this section.

(e) No poultry product shall be removed from any means of conveyance or container sealed with an official seal of the Department of Agriculture, or bearing the official warning notice prescribed in this section, except under the supervision of an inspector or a customs officer, or as provided for in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the official seal of the Department of Agriculture on a car, truck, or other means of conveyance, may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts

* by telegraph to the Administrator, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. *

(g) The consignee, or his agent, shall furnish such facilities and shall provide such assistance for handling and marking poultry products offered for entry as the inspector may require.

§ 381.201 Means of conveyance and equipment used in handling imported poultry products to be maintained in sanitary condition.

Compartments of steamships, railroad cars, and other means of conveyance transporting any poultry product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any poultry product offered for entry into the United States, shall be maintained in a sanitary condition.

§ 381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where poultry products are offered for entry, and shall request the collector to refuse entry to all products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with the regulations in this subpart. Unless such products shall be exported by the consignee within a time to be specified by the collector of customs (usually 30 days), the consignee, within such specified time, shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector.

(b) Consignees shall, at their own expense, return immediately, to the collector of customs, in means of conveyance or containers sealed with the official seal of the Department of Agriculture, any product received by them under this subpart which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this subpart.

(c) Except as provided in § 381.200 (a) or (b), no person shall remove or cause to be removed from any place designated as the place of inspection, any poultry product which the regulations in this subpart require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this subpart.

§ 381.203 Imported products; charges for storage, cartage and labor with respect to products which are refused entry.

All charges for storage, cartage, and labor with respect to any imported product which is refused entry pursuant to the regulations shall be paid by the owner or consignee, and, in default of such payment, shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

§ 381.204 Marking of poultry products offered for entry.

Poultry products which upon inspection are found to be acceptable for entry into the United States shall be marked with the official inspection legend shown in § 381.102. Poultry products which are inspected and rejected shall be marked "U.S. Refused Entry" as shown in § 381.102. Such marks shall be applied to the shipping containers.

§ 381.205 Labeling of immediate containers of imported poultry products.

(a) Immediate containers of poultry products imported into the United States shall bear a label, printed in English showing in accordance with Subpart N of this part all information required by that section (except that the inspection mark and establishment number assigned by the foreign poultry inspection system and certified to the Inspection Service shall be shown instead of the official dressed poultry identification mark or other official inspection legend, and official establishment number); and in addition the label shall show the name of the country of origin preceded by the words "Product of," which statement shall appear immediately under the name of the product.

(b) The labels shall not be false or misleading in any respect.

(c) Labels for immediate containers of imported poultry products shall be submitted for approval in sketch form to the Labels and Packaging Staff, * Meat and Poultry Inspection, Food Safety and Quality Service, USDA, Washington, * D.C. 20250. Sketch labels shall be submitted with sufficient copies to provide two copies for the Washington office. After approval of the sketch labels, finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry and one copy for the foreign plant requesting the approval.

§ 381.206 Labeling of shipping containers of imported poultry products.

Shipping containers in which imported poultry products are shipped to the United States are required to bear in a prominent and legible manner the name of the product, the name of the country of origin, the foreign inspection system establishment number of the establishment in which the product was processed, and the inspection mark of the country of origin. Labeling on shipping containers shall be examined at the time of inspection in the United States and if found to be false or misleading, the product shall be refused entry.

§ 381.207 Small importations for consignee's personal use, display, or laboratory analysis.

Any poultry product (other than one which is forbidden entry by other Federal law or regulation) which is imported from any country in quantities of less than 50 pounds net weight, exclusively for the personal use of the consignee, or for display or laboratory analysis by the consignee, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and contains no substance not permitted by the Act or regulations may be allowed entry into the United States without a foreign inspection certificate, and such product is not required to be

§ 381.222 States designated under paragraph 5(c) of the Act; application of regulations.

The provisions of the regulations in this part apply to operations and transactions wholly within each State designated in § 381.221 under paragraph 5(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 381.6(b), shall obtain approval of plant drawings as specified in § 381.19 within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 381.26 will apply to establishments required to have inspection under § 381.6(b), except that existing interconnections between official and unofficial establishments or between official establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible poultry product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of the regulations. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible poultry product does not enter the official establishment contrary to the regulations.

(c) Sections 381.49 and 381.51 shall apply to such establishments, except that separate facilities for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house drainage lines to a point outside the buildings will not be required in existing construction when positive acting backflow devices are installed.

(d) Subpart N of this part shall apply to such establishments except as provided in this paragraph (d).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the Circuit Supervisor in which the establishment is located. Temporary approval, pending formal approval under § 381.132, will be granted by the Circuit Supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name,

an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 4(h) of the Act.

(2) The Circuit Supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, D.C., office of the Labels and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the Circuit Supervisor (showing any modifications required by the Circuit Supervisor) to the Washington, D.C. * office of the Labels and Packaging Staff, Meat and Poultry Inspection, Food * Safety and Quality Service, USDA, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the Circuit Supervisor must receive approval as required by § 381.132 or their use must be discontinued.

(4) The Circuit Supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of pressure sensitive tape of a type that cannot be removed without visible evidence of such removal, or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of the regulations must be destroyed or removed from the official establishment.

(e) Sections 381.175 through 381.179 apply to operations and transactions not in or for commerce in a State designated under paragraph 5(c) only if the State is also designated under section 11 of the Act and if such provisions are applicable as shown in § 381.224.

(f) Section 381.185(a) will not apply to States designated under paragraph 5(c) of the Act.

(g) Provisions of this part relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

§ 381.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.

Upon the effective date of designation of a State under paragraph 5(c) of the Act, no poultry products can be processed within the State unless they are prepared under inspection pursuant to the regulations or are exempted from the requirement of inspection under § 381.10, and no unexempted poultry products which were processed without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, poultry products which were processed in any State listed in § 381.187 and inspected and passed under the supervision of a responsible State or local inspection agency or exempted from State inspection can be distributed solely within the State, provided they are not adulterated or

MEAT AND POULTRY INSPECTION (MPI)
PUBLICATIONS

Issuances of the Meat and Poultry Inspection Program. This publication is published monthly by the Issuance Coordination Staff, and includes selected CFR amendments, MPI bulletins, and MPI directives; changes to the Meat and Poultry Inspection Manual; and changes to the Meat and Poultry Inspection Regulations. Subscription for 1 year (12 issues) is \$13.00 in U.S. and possessions, and \$11.25 in other countries; cost of one copy is \$1.25.

Meat and Poultry Inspection Manual. This manual contains procedural guidelines and instructions useful in enforcing laws and regulations related to Federal meat and poultry inspection. Copy of the publication and changes since its printing: \$16.50 in U.S. and possessions, and \$20.75 in other countries.

Meat and Poultry Inspection Regulations. This publication contains regulations for slaughter and processing of livestock, poultry, as well as for certain voluntary services and humane slaughter. Copy of the publication and changes since its printing: \$30.00 in U.S. and possessions, and \$37.50 in other countries.

List of Chemical Compounds. Lists nonfood compounds authorized for use in plants operating under USDA Meat and Poultry, Rabbit and Egg Products Inspection Programs, and the U.S. Department of Commerce, Fishery Products Inspection Program. Cost of one copy is \$2.45 in U.S. and possessions, and \$3.05 in other countries.

U.S. Inspected Meatpacking Plants; A Guide to Construction, Equipment, Layout; Agriculture Handbook No. 191. This handbook is designed to supply interpretation of regulations and guidelines in designing, building, altering, and maintaining meatpacking plants to operate under Federal inspection. Cost of one copy is \$2.90 in U.S. and possessions, and \$3.65 in other countries.

Accepted Meat and Poultry Equipment. This publication is published three times yearly, contains information on equipment construction and acceptance, and lists commercially available equipment acceptable for use in federally inspected meat and poultry plants. Subscription for 1 year (three issues) is \$5.65 in U.S. and possessions, and \$7.10 in other countries; cost of one copy is \$1.90 in U.S. and possessions, and \$2.40 in other countries.

HOW TO ORDER

Persons, other than MPI personnel, should write to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Check or money order should be made payable to the Superintendent of Documents and should be mailed with the request.

CORRESPONDENCE

Correspondence on subscriptions should be addressed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence on the contents should be addressed to USDA, APHIS, MPI, Issuance Coordination Staff, Washington, D.C. 20250.

Correspondence on mailing and distribution should be addressed by MPI personnel through regional director, and by State personnel through State program director and MPI regional director to USDA, APHIS, Administrative Services Division, Room 727-A, Federal Building, Hyattsville, Maryland 20782.

July 14, 1977

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Quality Service
Washington, D.C. 20250

Official Business
Penalty for Private Use, \$300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF
AGRICULTURE

AGR 101

FIRST CLASS

